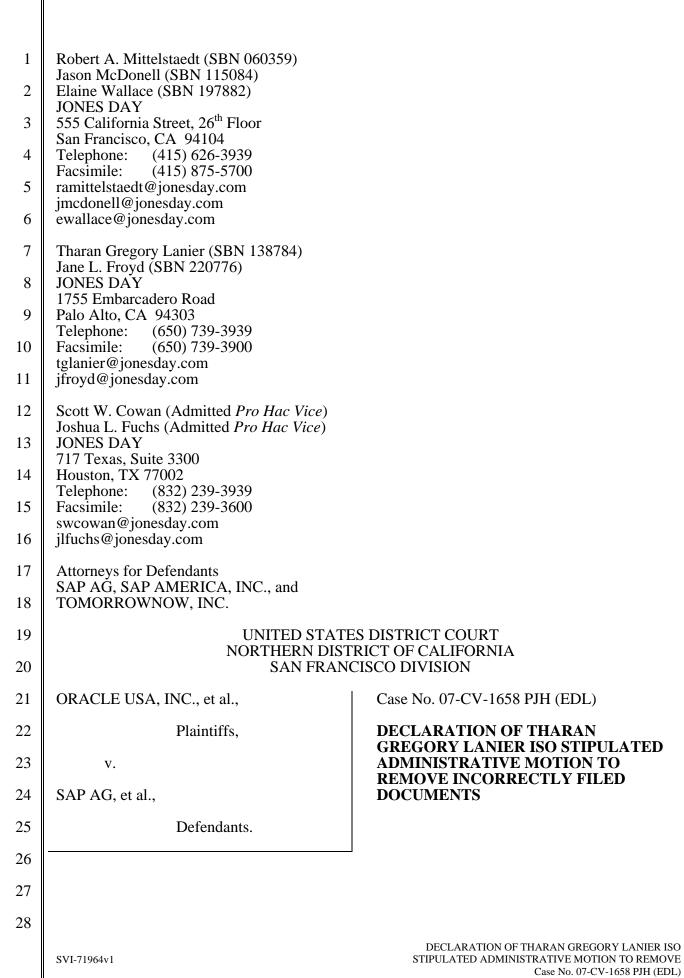
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I, THARAN GREGORY LANIER, declare:

- 1. I am a partner in the law firm of Jones Day, 1755 Embarcadero Road, Palo Alto, California 94303, and counsel of record for Defendants SAP AG, SAP America, Inc. and TomorrowNow, Inc. (collectively, "Defendants") in the above-captioned action. I am a member in good standing of the state bar of California and admitted to practice before this Court. I make this declaration based on personal knowledge and, if called upon to do so, could testify competently thereto.
- 2. On August 26, 2009, Defendants filed Docket No. 431, Defendants' Notice of Motion and Motion for Partial Summary Judgment Regarding Plaintiffs' Damages Claim, and Docket No. 437, Defendants' Answer and Affirmative Defenses to Fourth Amended Complaint (the "Documents"). The Documents contain information designated by Plaintiffs as Confidential or Highly Confidential Attorneys' Eyes Only pursuant to the protective order entered in the case. For this reason, Defendants lodged the Documents with the Court under seal and e-filed copies of the Documents in redacted form. Defendants also submitted motions to file the Documents under seal. *See* D.I. 434, 438. The basis for these motions is that the information sought to be sealed has been designated Confidential or Highly Confidential Attorneys' Eyes Only by Plaintiffs under the protective order, and Plaintiffs have requested that it not be publicly filed.
- 3. After filing the Documents, it came to Defendants' attention that there were errors in the redaction process. Upon this discovery, Defendants' counsel contacted the ECF Help Desk by e-mail and voicemail to request that the Documents be placed under temporary lock as soon as possible. Defendants' counsel also immediately brought this issue to Plaintiffs' counsel's attention.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct. Executed this 27th day of August, 2009 in Palo Alto, California.

/s/ Tharan Gregory La	nier
Tharan Gregory Lanie	r